

TENNESSEE GENERAL ASSEMBLY
 FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 626 - HB 1193

March 22, 2021

SUMMARY OF ORIGINAL BILL: Authorizes the Registry of Election Finance (Registry) to retain private outside counsel to pursue the collection of unpaid civil penalties. Requires any such suits to be filed in the county that is the residence of the defendant, Sumner County, Knox County, or Madison County.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (005333): Deletes and rewrites all language after the enacting clause such that the only substantive change is establishing the venue for a suit will be in the county the defendant resides and deleting the authorization for a venue in Sumner, Knox, or Madison Counties.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 2-10-109, the Registry is authorized to petition a chancery court, through the Attorney General and Reporter (AG), to enforce any order it has issued.
- The proposed legislation authorizes the Registry to retain private outside counsel to pursue collection of unpaid civil penalties in lieu of petitioning through the AG.
- Based on information previously provided by the AG, there will not be a decrease in revenue to the AG by authorizing the Registry to retain outside counsel for collection of unpaid civil penalties in lieu of a petition.
- Any decrease in petitions issued by the AG is estimated to be minimal and will not cause a significant decrease in workload or expenditures.
- Local chancery courts will not be subject to a change in revenues or expenditures.
- It is assumed that expenditures on behalf of the Registry will increase to the extent private counsel is retained; however, counsel is only estimated to be retained for the

purpose of recovering additional civil penalties. Any increase in civil penalty revenue in excess of private counsel retainer fees cannot be estimated with any reasonable certainty.

- The net impact is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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